

Negotiated Rulemaking Committee

Health Enhancement

10am – 5pm, January 27, 2016

Capitol Building, Helena, MT

Present Committee Members

Michelle Harrell, Teacher, Browning Public Schools

Ann Gilkey, OPI Chief Legal Counsel

Reg Hageman, Teacher, Capital High School & SHAPE MT

Donni McVee, Business school official, Laurel Public Schools

Kathleen Aragon, Parent, Billings

Karin Billings, Administrator, OPI Health Enhancement Division

Scott McDowell, Principal, Bozeman Public Schools

Kim DeBruycker, Former Superintendent, Gallatin Gateway School

Pete Donovan, Executive Director, Board of Public Education

Corri Smith, Indian Education Director, Great Falls Public Schools

Jeff Gray, Trustee, Great Falls Public Schools

Megan Chilson, Chair, UM-Western Human Health & Performance Department

Welcome

Facilitator Tammy Elser convened the meeting at 10:03am and thanked committee members for meeting again to provide recommendations on the economic impact of the proposed Health and Physical Education Standards.

Karin Billings spoke on behalf of Superintendent Denise Juneau, expressing the Superintendent's regret that she could not attend the meeting, her appreciation of the committee's hard work, and her eagerness to take the standards to the Board of Public Education.

Review of Sept 2015 Meeting and Standards Decisions

Tammy Elser first led the committee through a review of the results of the September 30, 2015, meeting. Superintendent Juneau reviewed the standards' recommendations from that meeting and either accepted or rejected the committee's recommendations. The following document guidance was provided to the committee as it reviewed the Superintendent's decisions:

- The original standard is highlighted in blue.
- Acceptance of the committee's recommendation or areas that included more conversation are highlighted in yellow.
- New language is included with a strikeout indicating what language was changed.

The committee received a brief review of the standards changes as a result of the Superintendent's decisions.

- Rule II (a)(x): "body parts" instead of "body system" will be used in Kindergarten
- Rule VI (a)(x): will include "major" systems
- Rule VIII (e)(iii): "Determining" instead of "Distinguishing"
- Rule XIII (d)(vi) and Rule XV (b)(i): "Discussing" instead of "Telling"
- Rules XIX (a)(iii): delete

It was noted that Rule XIX (a)(iii) was deleted to prevent misappropriation of cultural dances.

It was also noted the NRM committee had a long discussion regarding Rule II (a)(x) and the language “body parts” instead of “body systems.” The committee settled on “body systems” however they were still not firm with this language. They wanted the Superintendent to offer her suggestion to settle this conversation.

Economic Impact Statement Report

The committee was reminded that the purpose of the day’s meeting was providing recommendations to the Superintendent about the fiscal impact of the proposed standards.

OPI Chief of Staff Madalyn Quinlan provided the Economic Impact Statement (EIS) Report to the group. OPI’s drafted EIS was shared with the committee. In preparation for providing recommendation, the committee was provided background on the process used to prepare the EIS. The committee was then walked through the findings of the survey, and lastly, a more in depth discussion of information contained in the EIS.

Process

- School districts were given four weeks to review the current and proposed standards and respond to 20 content questions in a survey.
- Question 3 asked “Do you anticipate that your district will be able to meet the proposed standards with existing resources?” Respondents that answered with “yes” were directed to the end of the survey to provide any comments they wanted to share. Respondents that answered with “no” were lead through questions specific to instructional materials, personnel, professional development, and time and resources for curriculum development.

Findings

- 74 school systems answered the survey (roughly 25% of the school systems in the state)

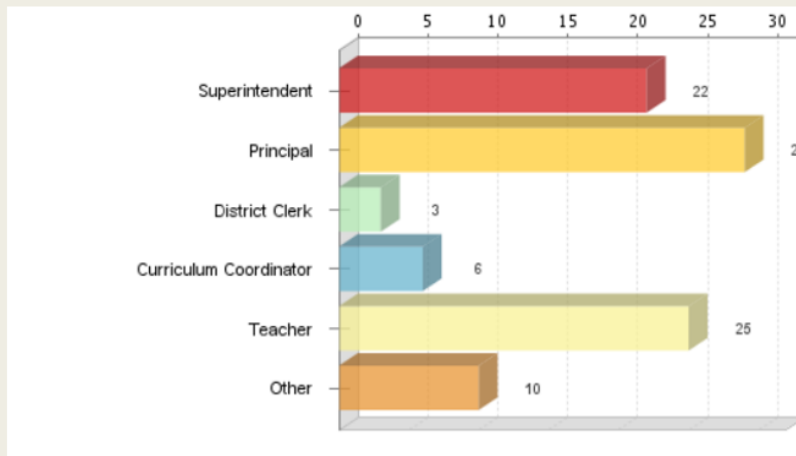
Response Demographics

Type of District	Responses
Independent Elementary	20
Independent High School	3
K-12 System	68

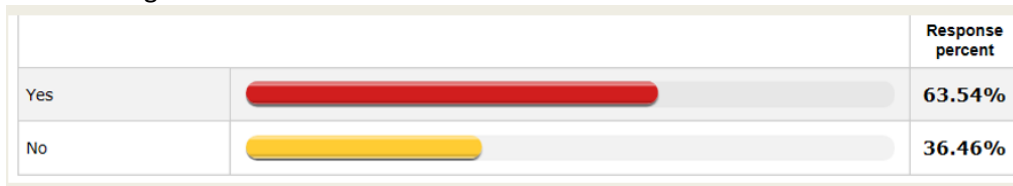
District Size	Responses
Large School System	5
Medium School System	35
Small School System	32
Montana School for the Deaf and Blind	1

- Most surveys were filled out by school and district leadership and teachers

Respondent Roles



- 63.54% of survey respondents anticipate that their district will be able to meet the proposed standards with existing resources



Committee Questions

Following the survey process and findings discussion, the following questions were asked by the committee:

- Is any of the data trended with school and/or district size? For instance, is not being prepared for the new standards more prevalent in rural schools?

Response: More comprehensive trending will be done before the EIS is finalized and that data can be provided. Early analysis seems to indicate, however, that it is not necessarily more of a "rural school" issue. One larger district indicated it would need three new staff members to meet the proposed standards.

- Does Q4, "Does your district have difficulty finding instructional materials to implement the current standards" refer to finding the materials or actually funding the materials?

Response: The structure of the question leaves it open to refer to either of these cases.

A Closer Look at Draft EIS Report

Madalyn Quinlan continued the discussion by walking the committee through the main sections of the EIS, which follows a specific reporting template. It was noted that the introduction serves as a reminder to the Education and Local Government Committee of the purpose of standards adoption, the content areas that have standards, and the justification for the EIS as determined by Montana law.

Important points were shared from other sections of the EIS specific to the implications of the new standards and their impact on Montana and its students. The points included:

- The new standards are grouped by grade level for K-5 and in grade bands for 6-8 and 9-12, which clarifies learning expectations and gives schools flexibility in terms of staff. The proposed rule is written

in a manner that allows elementary-endorsed teachers who often are responsible for teaching Health and Physical Education to easily see the learning progressions.

- OPI has worked on identifying the cost to state agencies and identified funding from both the OPI and the DPHHS that will be used for supporting schools as they implement the new standards, specifically in the area of professional development.

As an example of the funding dedicated to professional development, a demonstration of the [Teacher Learning Hub](#) (Hub) was provided to the committee. The Hub, an online learning platform, will be utilized to reach and support teachers from across the state as they implement the new standards. Individuals can set up an account and register to take courses for free. This allows teachers to stay in place and also limits the costs for the teacher and the district.

The Hub provides two types of courses, facilitated and self-paced. Facilitated courses have a start and end date, instructor, online participation at a certain time, along with the opportunity to earn graduate or renewal units. Self-paced courses allow users to work at their own pace with no facilitator to earn renewal units. These courses are most often between two to four renewal units, providing short and quick engagement to improve skills and teach educators about resources.

Small Group Discussion – Professional Learning and Instructional Materials

Prior to breaking into two groups, the committee heard from Karin Billings about the support that OPI is prepared to offer the schools around implementation.

In order to teach and explain the Health and Physical Education Standards across the state, the following activities are planned for OPI:

- Reporting to the Education and Local Government Committee
- Building courses on the Teacher Learning Hub
- Working with partners around the state to collaboratively share the standards and suggested curriculum resources
- Using existing regional networks that the Health Enhancement Division has built (locations including Glasgow, Kalispell, Missoula, Billings, Havre, Butte, Great Falls, Miles City, and Bozeman)
- Developing training to address identified gaps
- Providing workshops at the Montana Behavioral Initiative conference in June
- Taking steps to present on the new standards at the SHAPE MT Conference in Great Falls
- Presenting at the MEA-MFT conference in October
- Utilize the OPI's communication tools to share new standards information (this includes the Hub)
- Calling on larger school districts that have strong resources for help reaching out to smaller communities
- Reaching out colleague to colleague across state networks

The committee was then split into two groups and each was asked to identify the both “basic” and “optimal” support for professional development and instructional materials around the Health and Physical Education Standards.

Health and Physical Education Small Group 1

- *Ann Gilkey, OPI Legal Counsel*
- *Meagan Chilson, UM Western Professor of Human Health and Performance*
- *Jeff Gray, Great Falls School Board Member*
- *Michelle Harrell, Cut Bank teacher*

- *Scott McDowell, Bozeman school administrator*
- *Pete Donovan, Board of Public Education Executive Director*

Chart Paper Notes

Materials	
Basic	Optimal
Current Information <ul style="list-style-type: none"> • Text books • Curriculum Adoption 	Classroom sets of iPads
Model Curriculum Guide, with rubrics	Visual Technology
Classroom Space to teach	Heart Rate Monitor technology
Support System Availability	Substance abuse & Mental Health Professionals on campus

Professional Development	
Basic	Optimal
All K-6 educators basic standards training	Interactive health
Training for curriculum directors/school leaders	Lifelong activities
Prevention training for chronic illness	State-funded & coordinated best-practices

Additional Notes from Assigned Note Taker

Christy Mock-Stutz, OPI CSI

- The committee agreed that the standards do not require Fitbits
- Group members said that the standards require basic access to current materials and curriculum. SPARK and CATCH CARD have solid curriculums.
- Montana's PE teachers are a wealth of resource, so finding ways to have them communicate is a key component to clarifying the standards for all teachers
- Standards allow school choice, but OPI has responsibility to provide resources such as links to rubrics on how to choose curriculum and providing courses on the Teacher Learning Hub
- OPI should work with existing professional organizations and regional organizations such as Regional Education Service Areas (RESA) in order to share materials and technology among schools
- Communication to stakeholders such as curriculum directors and administrators is key to successful implementation
- SHAPE should offer mid-year conference and support, not just in summer due to difficulty of PIR time in the summer
- Provide resources and grant opportunities

Health and Physical Education Small Group 2

- *Karin Billings, OPI Health Enhancement Division Administrator*
- *Donnie McVee, Laurel School Business Official*

- Kim DeBruycker, Retired School Administrator
- Cori Smith, Great Falls Indian Education Director
- Reg Hageman, Helena teacher

Chart Paper Notes

Materials	
Basic	Optimal
Access to materials	Technology – classroom sets of iPads
Information about textbooks	Health Textbooks
Identification of resources (people and stuff)	Professional Organizations providing resources
Model curriculum guide	Technology for visual/projecting in classrooms
Dedicated classroom space (Health)	Heartrate monitors
Suicide prevention materials for all teachers	Onsite Personnel: mental health professional, substance abuse professional, therapists
CPR and First Aid	

Professional Development	
Basic	Optimal
Use exiting/available resources (i.e., SHAPE)	Increased off-site training during school year
Educate about opportunities	Attendance at off-site conferences and trainings
HUB – courses, links, resources	“Road Show” type training
Video to show school board and admin	Regional (RESA and other co-ops) offerings
Prioritize professional development for K-5 to target teacher content knowledge and pedagogy	professional development for 6-8 and high school teachers to target content knowledge and pedagogy
Model curriculum guide	Build interactive practices/lessons
Provide IEFA context	Focus on lifelong activities and healthy decisions
provide curriculum alignment training to curriculum directors and consortia	
Build courses and guidance for chronic illness—diabetes health plans, asthma, prevention and awareness	
Integrating other content areas	

Additional Notes from Assigned Note taker

Colet Bartow, OPI CSI

- Some schools have already moved forward with adoption of new materials and curriculum in advance of the standards revision process.
- The group discussed the importance of mental health issues, trauma, and need to coordinate education efforts with other state agencies and organizations.
- General compliments about the grade specific structure for the K-5 standards were noted.

- Discussion of how model curriculum guides are critical to break up what has already been done—recognize shift in importance of lifetime exercise and health topics.
- Need to create communication materials for school trustees and administrators was discussed (videos, one-pagers).
- Discussion of technology tools needed focused on classroom-based items that allow whole classes to use technology to monitor personal fitness and for whole classes to be able to use wireless technology in classrooms and gyms (projectors and wireless connectivity).
- Recognition that small schools need specific guidance for how to deliver programs in the form of checklists or rubrics that help prioritize and integrate new standards with other content areas.

Additional comments were shared after the small groups reported out.

OPI asked the committee to consider ways in which to bring post-secondary and teacher preparation programs can and should be brought into the new standards implementation support. The committee noted that SHAPE could help to make that connection and OPI stressed its commitment to building stronger relationships with faculty in the Higher Education Consortium.

The issue of curriculum development was also brought up as part of this process. As curriculum is the responsibility of the individual school district in line with local control, the committee discussed that it was important to discuss the reevaluation of curriculum in light of the new standards adoption.

Given all the suggestions for professional development and instructional materials, the committee also noted that the state needs to be collaborative – i.e., OPI, SHAPE, universities, district superintendents, board members need to work together to communicate around the standards and share professional development. This will be key to success.

Committee Feedback

The Health and Physical Standards Negotiated Rulemaking Committee was the first type of committee to be convened around standards adoption. Given this fact, Tammy Elser asked the committee to weigh in on two innovative processes that were used with the committee, Google Documents to share and contribute, and the use of dual screens to simultaneously show the Google Document and the committee's decisions. The group agreed that both processes benefited the function of the committee.

Public Comment

Public comment was provided by Tara Walker Lyons and Senator Mary Sheehy-Moe.

See the full comment from Tara Walker Lyons as submitted at the end of this document.

Senator Mary Sheehy Moe thanked Tara Walker Lyons for addressing the committee, as well as other legislative committees. Senator Moe shared her focus on urging the committee to address the topic of suicide in the new Health and Physical Education Standards, referencing the concern she has heard from communities and parents. She noted that although the Negotiated Rulemaking committee can't affect local control decisions in every school district in every state, it can provide a strong statement about the importance of addressing suicide in school. Addressing education around concussions and the use of technology to support student success were also highlighted by Senator Moe as areas in which the committee should focus its efforts.

Closing Remarks and Adjournment

Karin Billings thanked everyone for giving their time and support, and noted that all the committee's suggestions would be used by OPI as the standards move forward.

The meeting was adjourned at 1:19pm.

Submitted Statement from Tara Walker Lyons

Hello, I'm Tara Walker Lyons, and I travelled from the Bitterroot Valley today to speak to the negotiated rulemaking committee about body safety education and its importance to Montana children. I am here with the support of our local Child Advocacy Center, Emma's House, MAPS Media Institute, Erin Merryn of Erin's Law, The National Association of Adult Survivors of Child Abuse, and StopThe Silence.org. I am a parent to a daughter who is enrolled in our community's head start program and have a son due to be born in just 18 weeks. I graduated from Beaverhead County High School in Dillon before going on to college at the U of M Western and the University of Alaska. My family has a deep appreciation for the phenomenal education that Montana's schools are able to offer its children. I am confident in Montana's teachers and administrators because I have personally studied under them. I could not have asked for a better education but at the same time, I know that there continues to be a missing set of topics that schools are failing to teach their students.

I attended Augusta Elementary School where I enjoyed a small class size, attentive teachers, music programs, and sports. Life in school was pretty great, but life at home was much different. Like many other children in our country, I suffered chronic sexual abuse at the hands of a parent. As a victim of incest, I experienced numerous effects that were both immediate and long term. Depression, anxiety, my ability to concentrate in class was diminished and overall, my chances of graduating high school were cut in half. Sexual abuse prevention is one of many body safety topics that Montana schools are failing to offer its students. Some other topics include bullying, stalking, consent, cyber-crime, and sex trafficking. I was able to review the Health and Physical Education Negotiated Rulemaking Revisions document that is dated September 30th 2015 and found a thorough plan to prepare students to be healthy, responsible adults but still, body safety information is missing. From my understanding, our Health and Physical Education Standards haven't been updated since 1999, and I believe that now is the time to start

empowering our children about their bodies prior to sending them off to college and out into the world.

As an outspoken survivor of childhood incest, I have adopted a role within Montana to bring awareness to sexual abuse prevention and educating children on body safety. I have been given the opportunity to speak for foster care organizations, child advocacy centers, the Montana Department of Corrections Victim Impact Program, and more. These presentations have provided me the chance to meet other victims of all ages. Most times, a victim tells me that they were never taught about sexual abuse by neither a parent nor their school; that they simply didn't know it was wrong. It's almost as if we are unintentionally keeping our kids in the dark and we are too afraid to do something about it. The numbers are utterly scary: one in four girls and one in six boys will become victims of sexual abuse before the age of 18. That means we are overlooking a major public health concern, but now we have the chance to address it. After all, Montana is only one of four states that are left that remain paralyzed on body safety education in schools.

I have brought with me an example breakdown of the education content I am referring to, I would like to pass these out to the committee. This is a document that was provided to me directly from one of many teaching programs available, I am only using this as an example today. As you can see, the content is explained in an age-appropriate manner which addresses body safety and telling a responsible adult when something doesn't feel right. The four topics explained are: 1. My Body Belongs to Me 2. Abuse is Never My Fault 3. I Can Ask for Help 4. All Secrets Can Be Told. This exact educational material could have potentially saved me from suffering for six years until going directly to police about my abuse. I never knew that telling a teacher could help, I didn't know what a mandated reporter was. I would like to see today's students afforded access to this important information.

Throughout this journey as an advocate, I have encountered some really eye-opening facts and statistics along the way. The most disappointing so far is learning that only 30% of victims will ever disclose their abuse in their lifetimes. This is a travesty and we can do more to keep our children safe. Parents and schools constantly veer away from talking about sex because it's scary and icky. We are traditionally told that we are to have one big scary "sex talk" with kids but that is incorrect and harmful. If we start addressing the problem as a body safety issue, we can start seeing a decline in abuse.

In Montana, children are falling victim to emotional, physical, and sexual trauma at home and are left without a voice to say anything. I was born in 1988 on the Blackfeet Reservation in Browning. As a native American female, imagine my dismay upon learning that a Native American baby girl has a one in three chance of becoming a victim of sexual abuse before the age of 18. Montana is home to seven Native American Reservations by promoting body safety concepts here in our state, imagine the number of children who will benefit.

I want to conclude my public comment with some information on the issue of funding. In order to implement these kinds of programs, the "Child Sexual Abuse Awareness and Prevention Act" was signed into law by the President on December 10th, just last month. This law provides federal funding to schools, educational agencies, and tribal entities to implement body safety education and sexual abuse prevention programs in schools. I am providing a copy of Senate Bill 1665 for your review. Now that the money has been made available to us, we have the opportunity to change lives and empower children for years to come. I hope that you will consider body safety education in the updated Health and Physical Education Standards as you move forward. I believe that it would potentially save the lives and educational wellbeing of thousands of children here in Montana. Thank you.

Submitted by OPI Assigned Note Taker:

Tara Steinke, 2/2/2016